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| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/667,171             | FLEYTMAN ET AL.     |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | TISHA D. LEWIS         | 3681                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on June 21, 2004.
2. ☒ The allowed claim(s) is/are 1-16 and 18.
3. ☒ The drawings filed on 19 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

The following is a response to the amendment received on June 21, 2004, which has been entered.

#### ***Response to Amendment***

Claims 1-16 and 18 are pending in the application. Claim 17 has been cancelled.

-The objection to the specification has been withdrawn due to applicant inserting the current status of the parent application.

-The objection to claims 8, 13 and 15 has been withdrawn due to applicant correcting errors as indicated in the office action mailed on March 22, 2004.

-The terminal disclaimer filed on June 21, 2004 has been approved, therefore; the double patenting rejection of claims 1-18 has been withdrawn.

#### ***Response to Arguments***

Applicant's arguments, see pages 9 and 10, filed June 21, 2004, with respect to the Azuma et al reference lacking the worm gear having less than twenty-four teeth and not being able to drive the worm have been fully considered and are persuasive. The 102(b) rejection of claims 1, 9, 10, 12, 13, 15, 17 and 18 has been withdrawn. The 103(a) rejection of claim 14 has also been withdrawn due to the withdrawal of the 102(b) rejection.

#### ***Allowable Subject Matter***

Claims 1-16 and 18 are allowed. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for:

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-(As to claim 1) a power transfer assembly having a first output shaft, a second output shaft, a torque transfer mechanism transferring torque between the output shafts including a first gearset connected to the first output shaft, a second gearset having a worm driven by an electric motor and meshed with a worm gear having less than twenty four teeth wherein the worm is fixed to a component of the first gearset.

-(As to claim 2) a transfer case having a first output shaft, a second output shaft, a differential unit having a first gear driven by the first output shaft, a second gear driven by the second output shaft, a third gear meshed with the first and second gears and a carrier supporting the third gear, a worm gearset having a worm driven by a motor, fixed to the carrier and meshed with a worm gear wherein a locked four wheel drive has the worm gear held against rotation and an on demand four wheel drive has the motor actuated to vary speed of the carrier to the first output shaft.

-(As to claim 6) a transfer case having a first output shaft, a second output shaft, a bevel differential unit having a first side gear driven by the first output shaft, a second side gear driving the second output shaft, a pinion gears meshed with the first and second side gears and a carrier supporting the pinion gears, a worm gearset having a worm driven by a motor, fixed to the carrier and meshed with a worm gear wherein a locked four wheel drive has the worm gear held against rotation and an on demand four wheel drive has the motor actuated to vary speed of the carrier to the first output shaft.

-(As to claim 9) a transfer case having a first output shaft, a second output shaft, a geared differential unit having a first gear driven by the first output shaft, a second gear driving the second output shaft, a third gear meshed with the first and second

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gears, a carrier supporting the third gear and a worm gearset having a worm driven by a motor and meshed with an enveloping worm gear having less than twenty four teeth and fixed for rotation with the carrier.

-(As to claim 15) a power transfer assembly having a first output shaft, a second output shaft, a reduction unit having an input gear driven by the first output shaft, an output gear driving the second output shaft, a reaction gear meshed with the input and output gear, a carrier supporting the reaction gear, a bi-directionally driveable worm gearset having the worm fixed to the carrier, driven by the motor and meshed to a worm gear wherein the motor varies speed between the first output shaft and carrier.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 703-305-0921. The examiner can normally be reached on M-Thur 8 AM TO 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl  
September 1, 2004

  
TISHA LEWIS  
PRIMARY EXAMINER  
AU 3681 9/1/04